

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED

AUG 17 2000

HUBERT H. SHENWEE, CLERK
BY gfb DEPUTY

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF MORGAN CITY, LOUISIANA;
TIMOTHY MATTE, Mayor of Morgan
City; CITY COUNCIL OF THE CITY OF
MORGAN CITY; JARROD K. LONGMAN, JO
ANN C. BLANCHARD, LOGAN J.
FROMENTHAL, JR., WILLIAM H.
JOHNSON, JR., and LEON KAHN,
Members of the City Council of
Morgan City,

Defendants.

CORNELL KEELER, THEOPHILIS H.
THOMAS, REV. RON BIAS, BETTY YOUNG,
AND WILLIAM BRADFORD, JR.

Plaintiffs,

v.

CITY OF MORGAN CITY, JO ANN C.
BLANCHARD, LOGAN H. FROMENTHAL,
JR., WILLIAM "DOC" JOHNSON, LEON
KAHN, AND JARROD K. LONGMAN, in
their official capacities as
members of the Morgan City Council;
SAINT MARY PARISH BOARD OF ELECTION
SUPERVISORS; DR. GARY M. WILTZ, SAM
JONES, and BILL MOORE, in their
capacities as members of the Saint
Mary Parish School Board of
Election Supervisors,

Defendants.

CIVIL ACTION NO. CV00-1541

JUDGE TUCKER L. MELANÇON

MAG. JUDGE MILDRED METHVIN

CIVIL ACTION NO. CV00-1588

JUDGE RICHARD T. HAIK, SR.

MAG. JUDGE MILDRED METHVIN

CONSENT JUDGMENT AND DECREE

These actions allege that the current at-large method of
electing the members of the City Council of the City of Morgan

(11)

City results in black citizens having less opportunity than white citizens to participate in the political process and elect candidates of their choice in violation of Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973 ("Section 2").

The parties, through counsel, have conferred and agree that it is in the best interest of all parties that this lawsuit be resolved without the expense of further protracted, costly, and potentially divisive litigation. Further, the City Council has held public hearings and received input from private citizens and community groups in the City of Morgan City, and concluded that it is in the public interest to change the method of election from at-large to single member districts. Accordingly, the parties have entered into the following Consent Decree as an appropriate resolution of these civil actions.

The parties stipulate as follows:

1. On June 9, 2000, the United States gave notice to the City of Morgan City ("Morgan City" or the "City") of its intent to bring suit to enforce Section 2. On June 27, 2000, the United States filed suit in this Court alleging that the at-large method of election for the City Council of the City of Morgan City (the "City Council") violates Section 2. United States v. City of Morgan City, et al., Civil Action No. CV00-1541 (W.D. La.).

2. On July 3, 2000, five private plaintiffs filed a suit against the City and others alleging that the at-large system of

election violates Section 2. Keeler, et al. v. City of Morgan City, et al., Civil Action No. CV00-1588 (W.D. La.)

3. All parties agree that Civil Action Number CV00-1541 and Civil Action CV00-1588 should be consolidated so that this Consent Judgment and Decree may be entered in both actions.

4. Defendant Morgan City is a political and geographical subdivision of the State of Louisiana.

5. Defendant City Council of the City of Morgan City is the body established under the laws of the State of Louisiana that, together with the Mayor, is responsible for governing Morgan City.

6. Defendant Timothy Matte is the Mayor of Morgan City. He is a resident of Morgan City and is named here in his official capacity.

7. The City Council consists of five members. Defendants Jarrod K. Longman, Jo Ann C. Blanchard, Logan J. Fromenthal, Jr., William H. Johnson, Jr., and Leon Kahn are the current members of the City Council. Each of these persons is a resident of Morgan City and is sued in his or her official capacity.

8. According to the 1990 Census, Morgan City has a total population of 14,531 persons, of whom 3,311 (22.8%) are black.

9. The members of the City Council are elected to four-year, concurrent terms through an at-large method of election. Elections for the City Council are non-partisan, and a majority vote requirement applies in the primary elections.

10. Black candidates have run in every City Council election in Morgan City but one since 1983. However, there has never been a black person elected to the City Council of Morgan City.

11. The black population of Morgan City is sufficiently numerous and geographically compact that a properly apportioned single-member district plan for electing the defendant City Council can be drawn in which black voters would constitute a voting age majority in one district out of five.

12. The Plaintiffs assert that black voters in Morgan City are politically cohesive, and that racially polarized voting patterns have consistently been demonstrated in elections for the City Council of Morgan City. In contests between black and white candidates for the City Council, the Plaintiffs assert that black voters consistently vote for black candidates and white voters vote sufficiently as a bloc to defeat the black voters' candidates of choice.

13. There is a majority vote requirement for the at-large City Council elections. The Senate Judiciary Committee majority Report (hereafter, the "Senate Report") that accompanied the bill that amended Section 2 of the Voting Rights Act in 1982 noted that a majority vote requirement may enhance the opportunity for discrimination against black voters. S.Rep. No. 97-417, 97th Cong.2nd Sess. 28, n.113 (1982), U.S. Code Cong. & Admin. News 1982, pp. 177, 205. See also Campos v. City of Houston, 113 F.3d

544, 547 (5th Cir. 1997); Clark v. Calhoun County, 88 F.3d 1393, 1398 (5th Cir. 1996).

14. Black citizens in Louisiana and its political subdivisions have suffered from a history of official racial discrimination in voting and other areas, such as education, employment, and housing. See, e.g., Major v. Treen, 574 F. Supp. 325, 340-41 (E.D. La 1983). A dual school system was operated in St. Mary Parish until desegregated through litigation. See Conley v. Lake Charles School Board, 303 F. Supp. 394 (W.D. La. 1969) (consolidated desegregation case involving 33 parishes, including St. Mary). According to 1990 Census data, black citizens in Morgan City continue to bear the effects of this past discrimination, reflected in their lower socioeconomic status compared to that of Morgan City's white citizens. By way of example, although only thirty-two percent of the children in Morgan City are black, they represent more than sixty percent of the children in poverty. The per capita income of black persons in Morgan City is \$4,883; the per capita income of white persons is \$12,374. The income disparity is reflected in living conditions and transportation options. Of the 996 black households in Morgan City, 362 households (36.4%) own their homes, while 634 (63.6%) rent. Among the 4,066 white households, 2,797 (68.8%) households own their homes, while 1,269 (31.2%) rent. Nearly forty percent of black households in Morgan City do not have access to a vehicle (396 households of 996, or 39.8%); 88.1% of white households (3,581 of 4,066) have one or more

vehicles available. There are also educational disparities in Morgan City. Of black residents over 25 years old, 49.6% do not possess even a high school diploma; 65.8% of white residents have a high school education or greater. These factors hinder black citizens' present-day ability to participate in the political process on an equal basis with white citizens. See Senate Report, n.114.

15. The Plaintiffs assert that the current at-large method of electing the members of the City Council of the City of Morgan City violates Section 2 of the Voting Rights Act because, under the totality of the circumstances, it results in black citizens of the City having less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The usual remedy for at-large election systems which violate Section 2 is the adoption of single-member districts. Citizens for Good Government v. City of Quitman, 148 F.3d 472, 476 (5th Cir. 1998).

16. Defendants do not admit that they have violated Section 2 of the Voting Rights Act, but they acknowledge that Plaintiffs' claims have a reasonable factual and legal basis.

17. In order to resolve the Plaintiffs' claims, the parties have agreed upon a change in the method of electing the five members of the City Council from the current at-large system to a system of five single-member districts. The parties have also agreed upon a map for these new single-member districts, and that map with accompanying statistics is set forth at Attachment A.

18. The parties have also agreed upon a schedule for implementing the new single-member district method of election. Because this is a regularly scheduled election year for the City Council of the City of Morgan City, all parties desire to implement the new method of election on the regularly scheduled election dates. By re-scheduling the qualifying period, the state, parish and city election officials involved in Morgan City's elections will have sufficient time to perform the tasks necessary to implement the plan, such as assigning voters to districts, sending out new voter registration cards, and publicizing the new districts, prior to the qualifying period, and still allow the election to be held on its regularly scheduled date, October 7, 2000. Accordingly, the parties have agreed that any candidate qualifying which has taken place under the at-large system should be null and void, and new qualifying dates under the five single member district plan should take place from August 23, 2000 to August 25, 2000.

It is hereby ORDERED, ADJUDGED and DECREED that:

1. This Court has jurisdiction over these actions pursuant to 42 U.S.C. 1973j(f) and 28 U.S.C. 1345.
2. Pursuant to Fed. R. Civ. P. 42(a), Civil Action Number CV00-1588 is consolidated with Civil Action Number CV00-1541.
3. There is a reasonable factual and legal basis to conclude that under the at-large system for election of City Council in Morgan City, minority voters have less opportunity

than other members of the electorate to participate in the political process and to elect representatives of their choice.

4. In settlement of this litigation, the parties have voluntarily entered into this consent decree setting forth a new single-member district method of election for the City Council of the City of Morgan City, a map of the new election districts, and a schedule for implementing the new method of election.

5. The new single-member district method of election, map of election districts, and election schedule agreed upon by the parties and set forth in this consent decree represents a "fair, adequate and reasonable" settlement of the claims of the United States and the private plaintiffs in this action, and this decree shall be binding on the parties. United States v. City of Miami, 614 F.2d 1322 (5th Cir. 1980).

6. The defendants, their successors in office, officers, agents, employees, and all persons acting in concert with any of them, are permanently enjoined from administering, implementing or conducting future elections for the City Council of the City of Morgan City under the current at-large election method.

7. Beginning with the 2000 primary election, all future elections for the City Council of the City of Morgan City shall be conducted under a single-member district method of election, with a majority vote requirement. All candidates for the City Council must reside in the Council district from which they run. Only eligible voters residing in the Council district will be

allowed to vote for City Council candidates running from that district.

8. The agreed-upon map setting forth the single-member districts to be used for electing members of the City Council of the City of Morgan City is set forth in Attachment A. This map of election districts shall be utilized for the 2000 elections. This map can be modified after receipt of the results of the 2000 Census as provided in Paragraph 16 below.

9. Because of time constraints, the candidate qualifying period for positions on the City Council of the City of Morgan City that was originally scheduled for August 16, 2000 through August 18, 2000 is hereby canceled. Any qualifying of candidates that took place during this period is null and void. The Clerk of Court of St. Mary Parish is ordered to return any qualifying fees or nominating petitions to any persons who had paid fees to qualify for the City Council election during this period.

10. Qualifying of candidates under the new single member districts shall take place from 8:30 a.m. on Wednesday, August 23, 2000 through 5:00 p.m. on Friday, August 25, 2000, during normal business hours.

11. A copy of this order, the preclearance letter, and a written description of the new single member districts shall be delivered to the St. Mary Parish Registrar, the St. Mary Parish Clerk of Court, and the Louisiana Secretary of State, by Friday, August 25, 2000.

12. Primary elections for all council seats utilizing the new single-member district method of election will be held on October 7, 2000. If no candidate for City Council receives a majority of the votes cast in a district in the October 7, 2000 election, then the two candidates who received the most votes in that district shall proceed to the general election on November 7, 2000. The members of City Council elected in November 2000 will take office on January 1, 2001, and will hold office for the usual term of four years.

13. The State of Louisiana and its political subdivisions, including Morgan City, are covered by Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, which requires covered jurisdictions to obtain judicial or administrative preclearance before implementing voting changes. Clark v. Roemer, 500 U.S. 646, 652 (1991). This consent decree occasions voting changes which are covered by Section 5, and which must be submitted for Section 5 preclearance. McDaniel v. Sanchez, 452 U.S. 130, 153 (1981). For this reason, Morgan City has submitted the voting changes occasioned by this consent decree to the Attorney General of the United States for administrative review pursuant to Section 5, and the Attorney General has precleared those changes. A copy of the Attorney General's August 16, 2000 preclearance letter is included at Attachment B.

14. Except as inconsistent with or specifically altered by the terms of this consent decree, all state laws shall continue

to govern elections for the City Council of the City of Morgan City.

15. Defendants shall take all necessary steps to publicize the new method of election for the City Council of the City of Morgan City, the new election districts, and the election schedule (including the modified candidate qualifying period). Defendants shall post the map of election districts and a description of the election schedule at the City Hall and the Morgan City offices of the St. Mary Parish Registrar and shall provide a copy of these items to the Morgan City Review immediately upon entry of this decree, and these items shall remain posted through the end of the candidate qualifying period. Defendants shall immediately request the appropriate election officials to notify all registered voters in Morgan City by mail of their assigned districts under the new plan as soon as practicable.

16. Upon receipt by Morgan City of the results of the 2000 Census (scheduled to be released on April 1, 2001), the appropriate officials shall modify the district map embodied in this decree to adjust for any shift or growth in population since the release of the 1990 Census data, if required to do so by constitutional one-person one-vote standards. Any revision to the district map embodied in this decree shall be made in compliance with Section 2 and Section 5 of the Voting Rights Act, 42 U.S.C. 1973 and 1973c, and applicable constitutional standards. Any revised map shall be submitted to the Attorney

General for preclearance review under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c.


17. This Court shall retain jurisdiction over this matter to enforce the provisions of this Consent Judgment and Decree and for such further relief as may be appropriate.

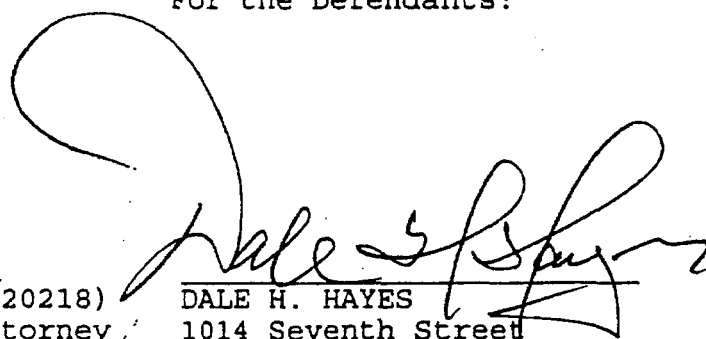
AGREED:

For the United States:


For the Defendants:

WILLIAM J. FLANAGAN
United States Attorney


JANICE E. HEBERT (La. Bar 20218)
Assistant United States Attorney
Western District of Louisiana
800 Lafayette St., Suite 2200
Lafayette, Louisiana 70501-6832
(337) 262-6618


DALE H. HAYES
1014 Seventh Street
Morgan City, Louisiana 70380
(504) 384-4218

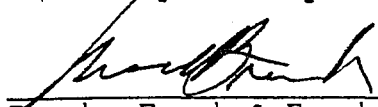
BILL LANN LEE
Assistant Attorney General
Civil Rights Division


JOSEPH D. RICH
REBECCA J. WERTZ
NANCY RUE (Ohio Bar 0047337)
Attorneys, Voting Section
Civil Rights Division
Department of Justice
P.O. Box 66128
Washington, D.C. 20035-6128
(202) 353-0419

ROBERT L. HAMMONDS
Hammonds & Sills
(La Bar 6484)
Quad One, Suite C
1111 South Foster Drive
Baton Rouge, LA 70806
(225) 923-3462

CIVIL ACTION #s 00-1541
and 00-1589

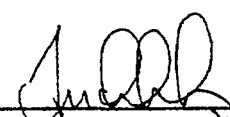
For the private plaintiffs:


Frank, Frank & Frank Law Firm
516 S. Union St.
Opelousas, LA 70570
(337) 948-9892

Edward Still
Lawyers' Committee for Civil Rights
Under Law
1401 New York Avenue, NW STE 400
Washington, D.C. 20005
(202) 662-8600

Stacie Fatka
One Beacon Street
31st Floor
Boston, MA 02116
(617) 573-4800

SO ORDERED, at Lafayette, Louisiana, this 16th day of August, 2000.


HONORABLE TUCKER L. MELANÇON
United States District Judge
Western District of Louisiana

COPY SENT

DATE 8-17-00

BY CA

TO TLM / acw

RTH / gb

mem

COPY SENT:

DATE: 8/22/00

BY: PRB

TO: Slamagan

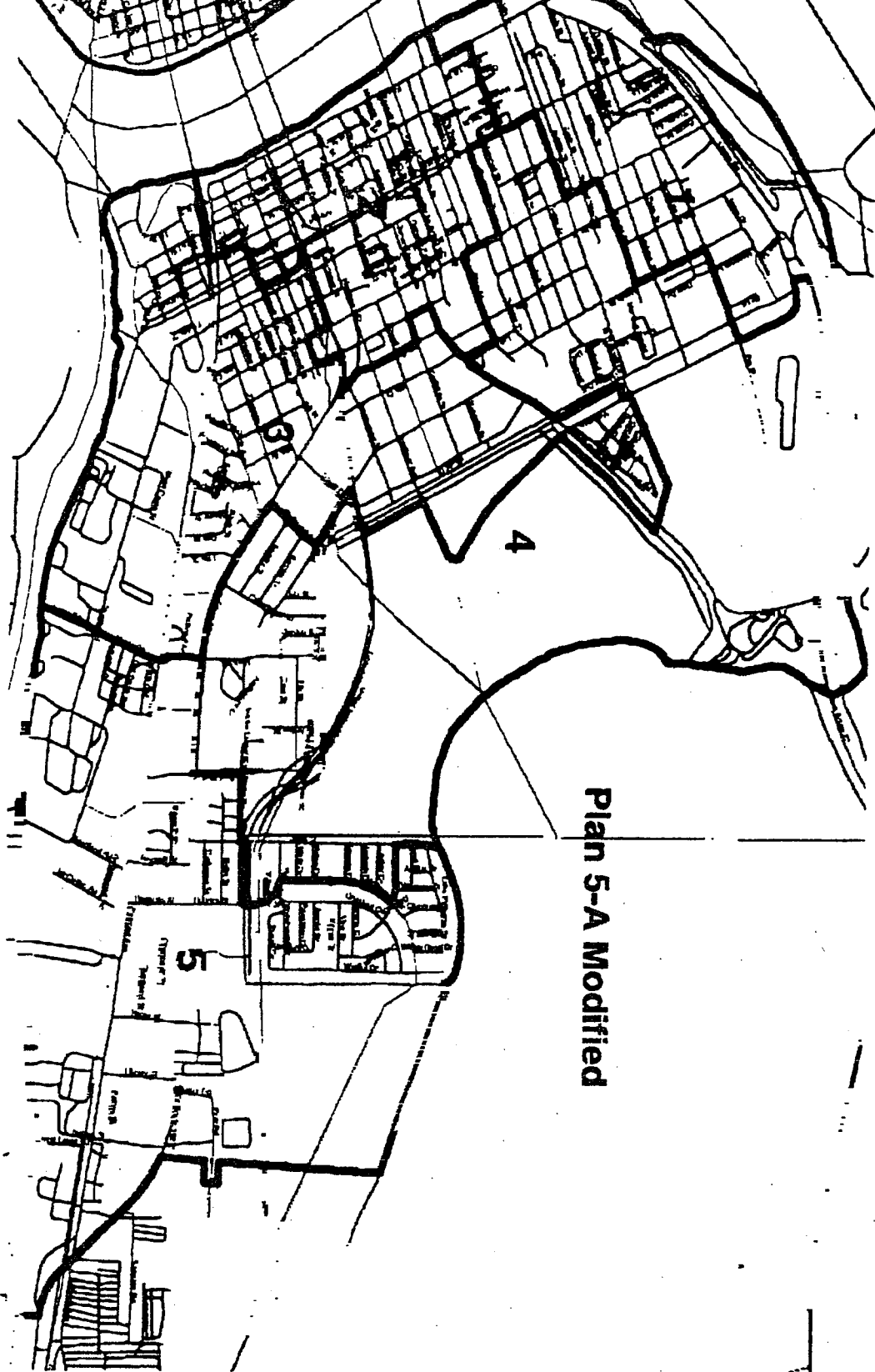
Silbert

Rue

Rich

Lee

Frank



Plan 5-A Modified